

Sir:

Responsive to the Office action, October 31, 2005, **as to which the period for response has been extended by two (2) months by payment of the appropriate fee**, kindly amend as follows.

IN THE CLAIMS: See Listing of Claims. This listing will replace all prior versions of claims in the application.

REMARKS

The Applicants acknowledge the Examiner's comprehensive Office Action with appreciation. Claims 15-28 remain under consideration. The Office indicates that Claims 15-24 and 27-28 are allowable. The Office has withdrawn the previously issued Restriction Requirement and raises rejections under 35 USC § 102(b) and 35 USC § 103(a). The Office also raises objections as to form.

Claim 26 is rejected under 35 USC § 102(b) as being anticipated by *Bull. Soc. Chim., France, 1975*, 1786-1792. It is the position of the Office that the instant specification discloses that a compound of Formula (I) where R and R' both represent ethyl was prepared according to this reference and that the disclosed compound anticipates the compound of instant Claim 26. The Applicants respectfully submit that the compound claimed in instant Claim 26 is actually a compound of Formula (I) wherein R represents ***meth*yl** and R' represents ethyl. Thus, Claim 26 is not anticipated by the cited reference.

Claims 25 and 26 are also rejected for obviousness under 35 USC § 103(a) based on the references cited at page 2 of the instant specification (i.e., *Bull. Soc. Chim., France, 1975*, 1786-1792 and EP 0 415 850). It is the position of the Office that since ranelic acid, its salts, and ethyl ester are known and since esters of known acids are obvious variants to one of ordinary skill in the art, the instantly claimed esters of ranelic acid would have been obvious to one skilled in the art.

With the instant Amendment, Claims 25 and 26 have been cancelled without prejudice or disclaimer to any patentable subject matter and solely to expedite prosecution of the instant application.

The Office requests a copy of the French priority document as well as a copy of *Bull. Soc. Chim., France, 1975, 1786-1792*, which is cited at page 2 of the instant specification. With the instant Response, the Applicants submit a copy of the cited literature reference. The Applicants also respectfully point out that the French priority document was submitted on March 11, 2004. The USPTO Public PAIR system indicates that the French priority document as well as a certified English translation thereof were received by the Office on March 15, 2004.

Finally, with the instant Response, the Applicants also submit an Information Disclosure Statement which, it is respectfully submitted, should materially advance and accelerate the prosecution of the above-identified application. It is respectfully requested that the information be expressly considered during the prosecution of this application and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

As will be noted, this Information Disclosure Statement calls a number of prior art references, which might be considered relevant, to the attention of the Examiner. The fact that these are in fact "Prior Art" is, however, not admitted.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and the Examiner is respectfully requested to consider the listed references.

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Accordingly, entry of the present amendment, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 

G. PATRICK SAGE

Dated: March 14, 2006
Customer No.: 25,666
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, MI 49007
(269) 382-0030

Enclosure: Form PTO-1449 and Accompanying References, Check No. 74320 for IDS Fee, Check No. 74319 for Two (2) Month Extension Fee, Listing of Claims, and Postal Card Receipt

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.